

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NO. **(703) 872-9303** ON **12 April 2004**.

NAME OF PERSON SIGNING CERTIFICATE: **Scott J. Anchell**

SIGNATURE: 

Attorney Docket No.: 051481-5085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Craig Andrew WELDON et al.

Application No.: 09/931,373

Filed: August 17, 2001

For: **SYSTEM AND METHOD INCLUDING
A FUEL TANK ISOLATION VALVE**

Confirmation No.: 1599

Group Art Unit: 3753

Examiner: Hepperle, S.

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. § 1.116**

Sir:

In response to the Final Office Action dated 12 January 2004 (Paper No. 8), the period for reply to which extends to 12 April 2004, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.

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AMENDMENT TRANSMITTAL FORM

Sir:

1. Transmitted herewith is an Amendment and Request for Reconsideration Under 37 C.F.R. § 1.116 in response to the final Office Action dated 12 January 2004 (Paper No. 12).

2. Additional papers enclosed:

- ☐ Change of Correspondence Address
- ☐ Request for Approval of Drawing Change
- ☐ Drawings: ☐ Formal ☐ Informal (____ sheets)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, ____ reference(s) included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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Application No.: 09/931,373
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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for _____ months has already been secured and the fee paid therefore of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(e))	22	minus	27	0	x \$18 each =	+ \$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	7	minus	6	0	x \$84 each =	+ \$ 84.00
[] First presentation of Multiple dependent claim(s)					\$270.00	+ \$ 0.00
SUB-TOTAL =						\$ 84.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 84.00

6. Fee Payment


- [] No fee is to be paid at this time.
- [X] The Commissioner is hereby authorized to charge \$84.00 (for one additional excess independent claim) to Deposit Account No. 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees that may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: 12 April 2004

By:


 Scott J. Anchell
 Registration No. 35,035

CUSTOMER NO. 009629
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